



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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REGIONAL  
ADMINISTRATOR'S  
DIVISION

May 3, 2021

Planning, Environmental and Cultural  
Resources Branch Expiration  
P.O. Box 3755  
Seattle, WA 98124-3755  
ATTN: Amanda Ogden (PMP-C)

Dear Ms. Ogden:

The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers April 1, 2021, *Public Notice for the Intent to Prepare an Environmental Assessment for Skagit Diking District (DD) 3 and 12 Levees, Skagit County, Washington* (EPA Project Number 21-0021-USACE). The EPA comments are provided pursuant the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508) and Section 309 of the Clean Air Act.

This Draft EA describes the repair of two levees, DD 3 and 12, that were damaged during a catastrophic atmospheric river event. Repairs would be completed to restore an embankment near Station 429+00 where a slope failure occurred and between Stations 298+00 and 305+00 to repair a silt bench and the associated riprap armament.

For the EA, we recommend USACE:

- Develop a range of alternatives that avoid, minimize, and compensate for impacts to water, air, wildlife, and other resources.
- Identify and describe appropriate mitigation measures associated with the project, specifying which ones would be committed to by USACE or another federal, state, local, or tribal entity. EPA recommends that for each impacted resource area, the EA describe: the specific mitigation implementation thresholds; any mitigation implementation and effectiveness monitoring deemed necessary; and the criteria by which success would be determined once mitigation is fully implemented. Furthermore, for some mitigation measures, it may be necessary to describe the contingency planning and adaptive management options in place if mitigation is found to be less than fully successful.
- Use "Environmental Justice (EJ) Interagency Working Group (IWG) Promising Practices for EJ Methodologies in NEPA Reviews" Report as a tool that can provide ways to ensure effective participation by communities with environmental justice concerns. The Report is a compilation of methodologies gleaned from current agency practices concerning the interface of environmental justice considerations through NEPA processes.
- Ensure that alternatives consider environmental justice concerns and allow communities with environmental justice communities concerns the opportunity to participate in the decision-making process.
- Disclose how the project may need to adapt to climate change conditions or incorporate climate resiliency measures, consideration of other reasonably foreseeable planned actions,

environmental trends and what effect the proposed action may have in relation to those reasonably foreseeable planned actions and/or trends.

As construction activities may impact water resources, resulting in increased turbidity and sedimentation of the Skagit River, we recommend the EA:

- Use acreage or square footage to describe the size of the damaged locations along the levee to support the figures showing the project areas.
- Describe the potential disturbance of project impact areas, including potential sedimentation plumes.
- Analyze the current flood risks and project future with- and without-project conditions.
- Coordinate with other Federal and State agencies to ensure that activities are conducted in a manner protective of human health and the environment, including protecting federal and state listed species.
- Discuss how each construction site may be impacted by the concurrent project.
- Regarding the proposed anchored rootwad placement at RM 10, describe the adverse and beneficial impacts associated with this mitigation measure.

We appreciate the opportunity to review the Draft EA. If you have questions concerning our comments, please contact the assigned NEPA Reviewer, Lauren Boldrick at (907) 271-5097 or [boldrick.lauren@epa.gov](mailto:boldrick.lauren@epa.gov).

Sincerely,

Rebecca Chu, Chief  
Policy & Environmental Review Branch